

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

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CLEARED
RW
SO. DIST. OF GA.

JAMES PETERSON,

Plaintiff,

v.

CIVIL ACTION NO.: CV606-110

HUGH SMITH; VISOL SMITH;
JANET BREWTON; LOUSIE SMITH;
TONYA ANDERSON; GARY HOLDEN;
Ms. HARDWICK, and D. KNIGHT,

Defendants.

ORDER


After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff contends that he does not, in fact, have at least three dismissed civil actions which count as strikes under § 1915(g). Plaintiff appears to refer to two of his other pending civil actions, case numbers CV306-46 and CV606-52, and avers that these pending cases somehow obviate the existence of the three prior actions which the Magistrate Judge identified as strikes under § 1915(g).

Plaintiff filed the instant action on December 7, 2006. Prior to this date, Plaintiff brought at least three civil actions or appeals which were dismissed and count as strikes under § 1915(g): (1) Peterson v. Smith, et. al, CV606-25 (S.D. Ga.) (dismissed June 26, 2006 for failure to state a claim); (2) Peterson v. Ethredge, et. al, CV606-29 (S.D. Ga.) (dismissed June 8, 2006 for failure to follow a Court order); and (3) Peterson v. Donald, et. al, CV605-136 (S.D. Ga.) (dismissed April 26, 2006 for failure to state a claim). The

Plaintiff in these listed cases is "James Peterson," and shares an identical Georgia Department of Corrections identification number as the Plaintiff in this case. Plaintiff has offered nothing to refute the obvious conclusion that these civil actions were previously brought by him and were dismissed for reasons qualifying them as strikes under §1915(g).

Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of this Court. Plaintiff's Complaint is hereby **DISMISSED**.

SO ORDERED, this 12 day of Feb., 2007.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA